

REISSUE PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re the Reissue Application of

Francois MALLET et al.

Serial No.: Reissue Application of U.S. Patent No. 5,817,465 issued October 6, 1998
(U.S. Patent Application Serial No. 08/825,617 filed March 31, 1997)

Filed: October 6, 2000

For: RNA AMPLIFICATION METHOD REQUIRING
ONLY ONE MANIPULATION STEP

Docket No.: 028662.96

REISSUE DECLARATION

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

We, Francois MALLET, Guy ORIOL and Bernard MANDRAND, hereby declare
that:

1. We are citizens of France with the addresses as stated below under our names.
2. We have reviewed and understand the contents of the specification and claims of the above-captioned reissue application and this reissue declaration.
3. We believe that we are the original inventors of the invention described and claimed in the reissue application and in U.S. Letters Patent No. 5,817,465, which issued from U.S. Patent Application No. 08/825,617 filed March 31, 1997, which is a Continuation of Serial No. 08/412,229, filed March 27, 1995 (now U.S. Patent No. 5,654,143), which is a Continuation of Serial No. 08/053,498 filed April 29, 1993, now abandoned.

4. We claim the priority benefits of the following applications under 35 U.S.C.

§119(a):

French Patent Application No. 92-05322, filed April 29, 1992;

5. We acknowledge our duty to disclose information which is material to the examination of this reissue application in accordance with 37 C.F.R §1.56(a).

6. We consider U.S. Patent No. 5,817,465 to be partly inoperative by reason of claiming more or less than we had a right to claim.

7. For example, Claim 1 in its present form unduly limits the scope of protection afforded Applicants' invention. Claim 1 recites "obtaining a starting solution by adding to a container comprising the sample, a buffer, a first primer" This phrase is confusing in that it suggests adding components to the sample after the sample is added to the container. However, according to the invention, the ingredients may be added in any order to obtain a starting solution containing all the ingredients. While claim 1 is believed to cover processes involving other orders of addition under the doctrine of equivalents, applicants are entitled to literal claim coverage of such processes, and it was error to include language in claim 1 that could be construed to limit the order of adding components. Accordingly, patent claim 1 unduly limits the invention.

8. All errors being corrected in this reissue application up to the time of filing this declaration arose without any deceptive intention on our part.

9. We hereby revoke all prior powers of attorney and appoint the following as our attorneys of record with full power of substitution and revocation to prosecute this application and to transact all business in the Patent Office:

James A. Oliff, Reg. No. 27,075; William P. Berridge, Reg. No. 30,024;

Kirk M. Hudson, Reg. No. 27,562; Thomas J. Pardini, Reg. No. 30,411;

Edward P. Walker, Reg. No. 31,450; Robert A. Miller, Reg. No. 32,771;

Mario A. Costantino, Reg. No. 33,565; and Stephen J. Roe, Reg. No. 34,463.

All correspondence in connection with this application should be sent to
Oliff & Berridge, PLC, P.O. Box 19928, Alexandria, Virginia 22320, telephone
(703) 836-6400.

10. We have reviewed and understand the contents of this reissue declaration, and all statements made herein of our knowledge are true, and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or any patent reissued thereon.

Date: _____

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